

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
(831) 427-4863

**W6b**

Filed: 6/29/2005  
49th day: 8/17/2005  
Staff: SM-SC  
Staff report prepared: 7/28/2005  
Hearing date: 8/10/2005  
Hearing item number: W6b

## APPEAL STAFF REPORT

### SUBSTANTIAL ISSUE DETERMINATION

**Appeal number** ..... **A-3-SLO-05-046, Rod and Reel Mobile Home Park Closure**  
**Applicants** ..... GFS Cambria, LLC/Jeff Edwards  
**Appellant** ..... Commissioners Reilly and Shallenberger  
**Local government** ..... San Luis Obispo County  
**Local decision** ..... Approved with conditions on May 26, 2005  
**Project location** ..... 1460 Main St., Cambria, San Luis Obispo County  
**Project description** ..... Closure of the Rod and Reel Mobile Home Park  
**File documents** ..... San Luis Obispo County Certified Local Coastal Program (LCP); San Luis Obispo County Coastal Development Permit File DRC2004-00176.  
**Staff recommendation** ... **Substantial Issue**

#### **I. Recommended Findings and Declarations for Substantial Issue:**

The Rod and Reel Mobile Home Park is one of the few sites in Cambria that has provided housing opportunities for persons and families of low to moderate income. The park is located in the mid-village of Cambria, on a 2.4-acre parcel adjacent to Main Street and Santa Rosa Creek (location maps attached as Exhibit 1), and is designated for residential multi-family land uses by the San Luis Obispo County certified Local Coastal Program (LCP). According to the County, there were 22 occupied mobile home spaces in 1991.<sup>1</sup> According to the applicant, the site is licensed by the State for 10 mobile home units, 10 Recreational Vehicles and one permanent residence.<sup>2</sup> Letters submitted by the applicant's legal representative describe a long term effort by the owners of the property to acquire coaches with the intent of phasing out the mobile home park - an objective that was achieved around November 2004, when the last residents (other than a caretaker) vacated the premises. The site currently contains 8 vacant mobile home coaches, one residence, and accessory structures (e.g., sheds and laundry facilities), and has cyclone fencing across its frontage on Main Street.

<sup>1</sup> A September 2, 2004 letter from the County's Housing and Economic Development Section to the former owner states that a response to a 1991 mobile home park survey submitted by the owner indicated that 22 spaces were occupied on the site.

<sup>2</sup> Personal communication with Jeff Edwards, July 27, 2005. According to Mr. Edwards, the maximum stay for a Recreational Vehicle was 6 months, at which point the vehicle was required to vacate the premises for a week prior to being eligible to return.



Appeal A-3-SLO-05-046  
Rod and Reel Mobile Home Park Closure  
Substantial Issue Staff Report  
Page 2

In September 2004, County staff informed the property owners of the need to obtain a coastal development permit to close the mobile home park pursuant to Section 23.08.164g of the LCP's Coastal Zone Land Use Ordinance (CZLUO), after reading an August 28, 2004 newspaper report regarding the closure (attached as Exhibit 2). On February 1, 2005, the property owner filed a development permit application under protest, asserting that Section 23.08.164g did not apply because the site no longer functioned as a mobile home park and no new use was proposed. In response to this protest, the County determined that the intentional closure of the park constitutes development that requires a permit and must comply with the LCP. Correspondence between the County and the applicants' representatives regarding the history of the closure and permit requirements are attached to this report as Exhibit 3.

On May 26, 2005, San Luis Obispo County's approved a Coastal Development Permit authorizing the closure of the mobile home park "after-the-fact" (County Findings and Conditions of Approval attached as Exhibit 4). Commissioners Reilly and Shallenberger filed a timely appeal of this decision on June 29, 2005, contending that the closure does not comply with Local Coastal Program (LCP) standards requiring the retention or replacement of affordable housing units, and is inconsistent with LCP regulations for the conversion of mobile home parks. Specifically, the appeal asserts that the local approval does not provide evidence that continued residential use is no longer feasible, or require affordable replacement units, as required by Section 23.04.092 of the LCP's Coastal Zone Land Use Ordinance (CZLUO). In addition, the appeal contends that the closure has not taken place consistent with the permitting, noticing, and information requirements established by CZLUO Section 23.08.164g. For example, the appeal questions whether former residents were adequately noticed of the closure, and whether the impacts to residents and availability of replacement housing have been effectively addressed. The submitted reasons for appeal are attached to this report as Exhibit 5, and the Sections of the CZLUO referenced by the appeal attached in full as Exhibit 6.

The appeal raises a **substantial issue** regarding the project's conformance to the San Luis Obispo County certified LCP for the following reasons:

1. There is No Substantial Evidence that Residential Use of the Site is Infeasible.

Section 23.04.092b(1) of the CZLUO states that demolition or conversion of any residential structure to a non-residential use as described in subsection a(3) of this section (e.g., conversion of a mobile home park to a non-residential use) shall not be authorized unless the Review Authority finds that any residential use at that site is no longer feasible, based on substantial evidence provided by the applicant (See Exhibit 6). The County's analysis of this requirement states:

*Applicability of this section cannot be determined without knowing the proposed future use. Therefore, applicability of this section would need to be addressed in the subsequent development application.*

The local conditions of approval require the applicant to apply for permits for the physical improvements needed to complete the park closure (e.g., removal of remaining mobile homes, capping



Appeal A-3-SLO-05-046  
Rod and Reel Mobile Home Park Closure  
Substantial Issue Staff Report  
Page 3

of utilities), and for future use of the property, within one year. According to the section of the County staff report cited above, it appears that the County intends to address the feasibility of continued residential use during the review of this future permit application. The current application does not contain any information regarding the feasibility of continued residential use.

This approach inappropriately defers application of a key LCP provision that protects affordable housing opportunities by prohibiting the conversion of such housing until specific requirements have been satisfied. The intent of CZLUO Section 23.04.092(b)1 is to ensure that affordable housing remains available unless and until specific findings regarding the feasibility of continued residential use can be made. Authorizing the conversion of the mobile home park to a vacant non-residential use prior to making the requisite findings undermines both the intent and the specific requirements of this ordinance, and raises a substantial issue regarding LCP compliance.

## 2. Replacement Affordable Housing Units Have Not Been Provided

In the event that continued residential use is not feasible, CZLUO Section 23.04.092(b)1 requires the provision of affordable replacement units at a 1 to 1 ratio, 12 months prior to filing the request for a demolition or conversion permit (exhibit 6).<sup>3</sup> As discussed above, the feasibility of continued residential use on the site has not been addressed, so it is unclear whether replacing mobile home spaces with another form of affordable housing on site or elsewhere in the community could be allowed.

In light of creek setbacks requirements and other applicable development standards and site constraints, it may not be feasible to maintain pre-existing density of mobile homes (approximately 22 spaces) on this site. Section 23.04.092b(1) requires the applicant to provide substantial evidence documenting such constraints. If this information proves that retention of preexisting levels of affordable housing is infeasible, CZLUO Section 23.04.092 requires replacement units to be provided elsewhere in the community. The number of required replacement units would be equal to the difference between the pre-existing number of affordable units and the number of affordable units to be maintained on the site. These replacement units must be provided prior to the filing of the application to demolish or convert the mobile home park.

Contrary to the requirements of CZLUO Section 23.04.092, the conversion of the mobile home park to vacant non-residential status has been authorized without any provisions for retaining or replacing the affordable housing units that have been lost as a result of the closure. Again, this action undermines the intent of the LCP to prohibit the conversion of affordable housing to a non-residential use without a specific plan for mitigating the impact of such conversions, as occurred here. As a result, the action raises a substantial issue regarding the development's consistency with CZLUO Section 23.04.092.

---

<sup>3</sup> This requirement applies to the demolition or conversion to a non-residential use involving three or more dwelling units in one structure, or 11 or more dwelling units in two or more structures. Based on the previously operating capacity of the park, the proposed development involves the conversion of 11 or more dwelling units in more than two structures, and is therefore subject to the replacement requirements of CZLUO Section 23.04.092b(1).



Appeal A-3-SLO-05-046  
Rod and Reel Mobile Home Park Closure  
Substantial Issue Staff Report  
Page 4

3. The Impact of the Closure and the Availability of Replacement Housing Has Not Been Addressed

CZLUO Section 23.08.164g requires Development Plan (i.e., coastal development permit) approval for the conversion of a mobile home park to another use, and requires applications for such conversions to include the report required by Government Code Section 66427.4 or 65863.7 as applicable (See Exhibit 6). This ordinance also requires verification that residents and mobile home owners have been notified of the proposed change in use consistent with the requirements of Section 798.56 of the Civil Code. As described by the County staff report, the referenced codes apply to the “cessation of use” of a mobile home park, require a report addressing the impact of the conversion, closure, or on displaced residents and the availability of adequate replacement housing, and establish specific noticing requirements. The County’s analysis of the development’s conformity with these requirements states:

*Information provided by the applicant shows that there were no residents residing in the mobilehome park at the time the application was filed. Since there were no residents in the park, no one was displaced. Further, at no time was the Planning Department contacted by residents concerning the closure of the park or the termination of tenancy. There is no evidence to refute the applicant’s and prior owner’s claim that each tenant sold or vacated their mobilehome voluntarily, under their own free will. This information demonstrates that there was no impact to displaced residents and that there was adequate replacement housing available.*

Similarly, with respect to noticing requirements, the County staff report states:

*The last tenant vacated the property on November 15, 2004 and the remaining mobilehomes are owned by applicant. Therefore, there are no residents or mobilehome owners to notify of the closure.*

The requirements of CZLUO Section 23.08.164g have not been adequately addressed by the County’s review, which inappropriately analyzes the impact of the park closure according to the conditions that existed on the date that the application was submitted – well after the park had been closed in violation of permit requirements. Clearly the intent of ordinance 23.08.164g is to ensure that residents are notified, and that housing impacts are addressed, before such a closure takes place. Accordingly, the analysis of consistency with these requirements must be based on the conditions that existed when the property owner initiated efforts to phase out the mobile home park. Although it may indeed be too late to fully understand and rectify the impacts to individual residents that occurred as a result of the closure, opportunities to mitigate and offset these impacts may need to be further investigated and pursued. The County’s approval of the closure does not address this need, and therefore raises a substantial issue regarding the consistency of the development with CZLUO Section 23.08.164.g.



## **II. Recommended Motion and Resolution**

### **MOTION:**

*I move that the Commission determine that Appeal No. A-3-SLO-05-046 raises **NO** substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

### **STAFF RECOMMENDATION:**

Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

### **RESOLUTION TO FIND SUBSTANTIAL ISSUE:**

The Commission hereby finds that Appeal No. A-3-MCO-03-082 presents a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

## **III. Appeal Procedures:**

Coastal Act Section 30603 provides for the appeal of approved coastal development permits in jurisdictions with certified local coastal programs for development that is (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; (3) in a sensitive coastal resource area; (4) for counties, not designated as the principal permitted use under the zoning ordinance or zoning district map; and (5) any action on a major public works project or energy facility. This project is appealable because it is within 100 feet of Santa Rosa Creek and involves development that is not the principal permitted use established by the LCP.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the standards set forth in the certified LCP or the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a de novo coastal development permit hearing on an appealed project unless a majority of the Commission finds that “no substantial issue” is raised by such allegations. Under Section 30604(b), if the Commission conducts a de novo hearing, the Commission must find that the proposed development is in conformity with the certified local coastal program. Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act, if the project is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone. This project is not located between the first public road and the sea and thus, this additional finding is not required in a de novo review of this case.



Appeal A-3-SLO-05-046  
Rod and Reel Mobile Home Park Closure  
Substantial Issue Staff Report  
Page 6

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the de novo stage of an appeal.

